

Testimony Standing Committee Meeting
Families, Children, and Seniors
Rep. Tom Hooker, Chair
March 21, 2009
Michigan NOW Family Law Task Force

HB 4141 & HR 327 (Committee) -

Good Morning. My name is Renee Beeker. I chair the Michigan National Organization for Women's Family Law Task Force. Michigan NOW is a chapter of the National Organization for Women. NOW was established to provide coordination of local chapters and statewide advocacy groups to advance women's rights in Michigan. NOW is the largest multi-issue feminist advocacy group in the United States and Michigan.

Michigan NOW is opposed to House Bill 4141 which mandates joint custody, as well as House Resolution 327. House Bill 4144 Mandated Joint Custody will override the decisions of the majority of Michigan Parents. It is reported that roughly 95 percent of divorcing parents with children agree to their custodial agreements. The remaining cases, often referred as "high conflict" according to research (Sanders/Faller2016 article in Michigan Law Journal below), "are actually cases of domestic abuse". According to Barry Goldstein, "Practices that Risk Children Baked into Court Procedures", these remaining cases often "require the courts involvement for trial". These are the cases that should not have automatic mandated joint custody, but should be reviewed by the court to determine the safety and best interest of the child/ren. It is very important to assess these high conflict cases for possible issues of domestic abuse. The National Council of Juvenile and Family Court Judges offer a "cautionary" statement in their "Judicial Guide to Child Safety in Custody Cases". "Parental Alienation Syndrome (PAS) has been scientifically discredited and the use of PAS or PA may divert attention away from behaviors of abusive parent." Pp 12-13 for the full comment.

House Bill 4141 will take custodial decision making from ALL Michigan Families. Legislating and mandating custody, a one size fits all solution, may not be the best fit for most of our families or in the best interest of Michigan's children. In addition, they are

risking the safety of victims in these cases that really should be before a judge from the very beginning of a family law case.

Mandating custody rules for parents who already have their children's best interests in mind is not needed, however, will result in opening the door to danger for the group who need the oversight. Victims of abuse will be placed in a situation of having to prove abuse. Most abuse is left unnoticed, as this committee was informed by the Sanders Study sent earlier. Mandated Joint Custody will not serve Michigan children or their families. How many intact families actually share child care duties 50/50? Very few I am sure, and mandating 50/50 custody from divorcing families will not see that result either. For parents who are not able to stay in the state for work, this mandate presents even larger issues. This legislation silences the voice of most Michigan parents. Families are fluid; they grow and change. Children have different needs at various stages in their lives. Children want to be involved in activities, travel with their school, perhaps study out of state or get a job. All these things are difficult to manage with a family that is living together. With a mandate requiring shared parenting, it becomes even more difficult with a child in two different places. As the chair of the MI NOW Family Law Task Force, I have heard every manner of problem with shared custody where children on a bowling league were not allowed to bowl on the other parent's day, mothers winding up with their children 100 percent of the time and no additional support, to children sick at one home, but not taken to a doctor until after they are taken home so the other parent has to pay the doctor bill. I believe the idea that we can fix it all with a mandate will only result in more litigation.

Many courts continue to use alienation despite the lack of scientific support. When you hear the terms "parental alienation syndrome", "alienated child" or any other use of the term "alienation", it is time to pay attention. These terms have become, according to Barry Golstein, "poison"². This is often used as a smoke screen to take attention off abuse, making the most important job of the family court, providing for the safety and well-being of Michigan children, much more difficult. Despite what the National Council of Juvenile and Family Court Judges have pointed out, the Michigan House has entered the concept of alienation into the legislation even though this concept does not pass muster to be admissible in a court of law.

In regard to the Parental Alienation Resolution (PAS) as noted above by Barry Goldstein, Parental Alienation, PAS, PAD and any other configuration of Alienation has become poison in courts across America. It has been repeatedly refuted as having no basis in science. It is used to shield abusers and prevent protection of victims of abuse. Placing this poison in our legislative process will serve only to further prevent judges from determining the best interest of the children in cases before them.

Michigan NOW urges this committee vote no to support HB 41441 and HR 327. This will allow the majority of Michigan families to determine the best custodial arrangement for their family.

You will find links below to articles, additional research and more information to support this testimony.

Thank you for your consideration.

Sincerely,
Renee Beeker

There is data to show that mandating joint custody has not worked. Australia with shared parenting have found problems, parents who do not co-parent do not do well with shared care: <http://www.smh.com.au/federal-politics/political-opinion/reports-show-shared-care-needs-fixing-20100203-nd7a.html>

The Need to Carefully Screen for Family Violence When Parental Alienation is Claimed. By Daniel G. Saunders, Ph.D. and Kathleen Coulborn Faller, Ph.D available here <file:///C:/Users/Public/Documents/AOL%20Downloads/cisionsinDomesticViolenceCases-VAWnetSaunders2007Secured/refullyscreenforfamilyviolencewhenPAisclaimedMFLJ-secure.pdf> Published in Michigan Family Law Journal Vol 46,NO 6,Page 8 of 7-11. June/July 2016

Goldstein: <http://stopabusecampaign.com/practices-that-risk-children-baked-into-court-procedures-part-2/>

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National Council of Juvenile and family Court Judges Judicial Guide to Child Safety in Custody Cases. http://www.ncjfcj.org/sites/default/files/judicial%20guide_0_0.pdf

Saunders & Faller Child Custody Evaluators' Beliefs About Domestic Abuse Allegations: Their Relationship to Evaluator Demographics, Background, Domestic Violence Knowledge and Custody Visitation Recommendations
<https://www.ncjrs.gov/pdffiles1/nij/grants/238891.pdf>

September 2013
Arguments against Joint Custody
Dianne Post
<http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1033&context=bglj>